

Russell S. Thompson IV (029098)
Ryan Pittman (032643)
Thompson Consumer Law Group, PLLC
5235 E. Southern Ave., D106-618
Mesa, AZ 85206
Telephone: (602) 388-8898
Facsimile: (866) 317-2674
rthompson@consumerlawinfo.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Dees,)	Case No. 2:17-cv-01586-BSB
)	
Plaintiff,)	MOTION FOR LEAVE TO SERVE
)	DEFENDANT WILTON K. CAVER BY
vs.)	ALTERNATIVE MEANS
)	
Kemper & Associates, LLC and Wilton K.))	
Caver,)	
)	
Defendants.)	

Plaintiff hereby moves for leave to serve the Complaint and Summons upon Defendant Wilton K. Caver ("Mr. Caver") by alternative means pursuant to Arizona Rule of Civil Procedure 4.1(k). Plaintiff respectfully states the following in support of his motion:

1. On May 23, 2017, Plaintiff filed his Complaint against Defendants.
2. Plaintiff attempted service on Mr. Caver at the last known residential addresses in the state of Georgia on June 16, 2017. *See* Proof of Attempted Service, attached as Exhibit A.
3. Plaintiff attempted service at Mr. Caver's company address, located at 541 10th Street, Suite 343, Atlanta, Georgia 30318, but discovered this location was actually a

1 UPS Store which Defendants use as a business address.

2 4. Therefore, Plaintiff was unable to personally serve Mr. Caver at this
3 address.
4

5 5. Prior to filing a lawsuit in this matter, Plaintiff's counsel had sent out a
6 notice letter to 541 10th Street, Suite 343, Atlanta, Georgia 30318.
7

8 6. In response, Plaintiff's counsel received a personally signed letter from Mr.
9 Caver with said address listed as the company address.

10 7. Despite this initial contact, further attempts to reach Mr. Caver have been
11 unsuccessful.
12

13 8. Arizona Rule of Civil Procedure 4.1(k) provides:

14 If service by one of the means set forth in the preceding paragraphs
15 of this Rule 4.1 proves impracticable, then service may be
16 accomplished in such manner, other than by publication, as the
17 court, upon motion and without notice, may direct. Whenever the
18 court allows an alternate or substitute form of service pursuant to
19 this subpart, reasonable efforts shall be undertaken by the party
20 making service to assure that actual notice of the commencement of
21 the action is provided to the person to be served and, in any event,
22 the summons and the pleading to be served, as well as any order of
23 the court authorizing an alternative method of service, shall be
24 mailed to the last known business or residence address of the person
25 to be served.

26 Arizona Rule of Civil Procedure 4.1(k)

27 9. To date, despite numerous attempts and reasonable diligence, Plaintiff has
28 been unable to personally serve Mr. Caver. *See* Exhibit A.

10 10. Plaintiff has discussed the possibility of settlement with a representative of
11 both Kemper & Associates and Mr. Caver.

1 11. Plaintiff has also requested that Mr. Caver waive service, but those requests
2 have gone unanswered.

3
4 12. Therefore, Mr. Caver is aware of this lawsuit although Plaintiff has been
5 unable to serve him personally.

6 13. Accordingly, Plaintiff requests leave to serve Mr. Caver by alternative
7 means according to the Arizona Rules of Civil Procedure.

8
9 14. Specifically, Plaintiff requests leave to serve Defendant Wilton K. Caver at
10 his current business address via certified and regular mail at 541 10th Street, Suite 343,
11 Atlanta, Georgia 30318.

12
13 15. Plaintiff has received a response from Wilton K. Caver at this address and
14 believes that this method of service is the most reasonable means to assure that actual
15 notice of this action is provided.

16
17 WHEREFORE, Plaintiff requests that this Court allow Plaintiff additional time to
18 serve Plaintiff's Complaint on Defendant Wilton K. Caver and for leave to serve Mr.
19 Caver via alternative means.

20
21 Dated: July 27, 2017

22 Respectfully submitted,

23 s/ Ryan Pittman

24 Ryan Pittman (032643)

25 Thompson Consumer Law Group, PLLC

26 5235 E. Southern Ave., D106-618

27 Mesa, AZ 85206

28 Telephone: (602) 899- 9183

 Facsimile: (866) 317-2674

 rpittman@consumerlawinfo.com

 Attorney for Plaintiff